



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P. (MD) No.15831 of 2018

WEB COPY

Natarajan

... Petitioner

Vs

1.The Superintendent of Police,
Tirunelveli District.

2.State rep. by Inspector of Police,
Tenkasi Police Station,
Tirunelveli District.

3.Annarasu

4.Senthil

5.Kannan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the second respondent, Inspector of Police, Tenkasi Police Station, Tirunelveli not to harass the petitioner without due process of law.

For Petitioner : Mr.K.Manavalan

For R1 & R2 : Mr.M.Chandra Sekaran
Additional Public Prosecutor

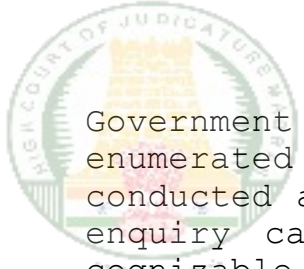
O R D E R

This Criminal Original Petition has been filed seeking for a direction to the second respondent not to harass the petitioner under the guise of enquiry.

2.Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the respondent.

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint dated 25.08.2018, given by the respondents 3 to 5 against the petitioner, petition enquiry is pending in CSR No.790 of 2018 on the file of the respondent police

4.The petitioner is directed to cooperate with the police for enquiry and at the time of conducting of the enquiry, the petitioner shall not be harassed by the police. The police cannot call the petitioner on a regular basis in the guise of enquiry without even registering an FIR and Supreme Court of India in Lalitha Kumari Vs.



Government of Uttar Pradesh reported in 2013 (6) CTC 353 has enumerated the nature of cases where preliminary enquiry can be conducted and has also restricted the period, for which preliminary enquiry can be conducted. During the course of enquiry, if any cognizable offence is made out, second respondent is free to register an FIR and this order shall not be a shield for the petitioner against the respondent proceeding to take action in accordance with law.

5. With the above directions, the Criminal Original Petition is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Superintendent of Police,
Tirunelveli District.
2. The Inspector of Police,
Tenkasi Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO MR.K.MANAVALAN, ADVOCATE, SR.NO.82900

CRL.O.P. (MD) No.15831 of 2018
05.09.2018

RMI

AK(DS)/SV/SAR1/16.10.2018/2P-5C